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| 09/745,721 | 12/26/2000 | Kazuki Matsui | 1405.1030 (JDH) | 9516 |
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| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER RETTA, YEHDEGA | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/745,721

Applicant(s)

MATSUI ET AL.

Examiner

Yehdega Retta

Art Unit

3622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date: _____

DETAILED ACTION

This office action is in response to Request for Continued Examination filed April 24, 2008. Applicant amended claims 1, 2 and 12. Claims 1-12 are still pending.

Claim Rejections - 35 USC § 112

Claims 3, 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites "storing communications addresses for the travelers, travel plans in which the travelers participate, and travel-plan schedules". It is unclear if the travel plans and the travel-plan schedules are the same or different. If the travel plans are different from the travel-plan schedules, only the travel-plan schedules are provided to third parties. Also it is unclear how the third part provides relative information, in connection with what "to-be-visited" travel destination *in the travel plan*, since the third parties do not receive the travel plan. The claim also does not recite that the travel plan includes "to-be-visited" travel destination.

Claim 11 also recites similar limitations therefore, the rejection stated above for claim 3 applies.

Claim 4 recites "wherein; predetermined personal information is stored correlatively with the communications addresses; and if the broadcasting prerequisites have been designated preceding registration of said relevant information, predetermined detailed information, wherein information for specifying travelers is excluded from the personal information for travelers anticipated to meet the broadcasting prerequisites, is provided to the third parties. It is unclear

what information is provided to the third parties and if the *relevant information* (that is accepted from the third parties) and predetermined personal information (that is stored) and the predetermined detailed information are the same and the relationship between the different information.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 recites the limitation "the broadcasting prerequisites are extracted based on the modified travel-plan schedules". There is insufficient antecedent basis for this limitation in the claim. Claim 8 recites "use of predetermined tickets while the travel plans are under way is sensed, and modifications to the travel-plan schedules are detected based on tracking use of the tickets". The claim recites that the modifications to the schedules are detected but does not clearly recited modifying the schedules. Therefore, Claim 9 lacks antecedent basis for the limitation of modified travel-plan schedules.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-6 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Grossman et al. (US 6,181,935).

Regarding claim 2, Grossman teaches registering in the information-provision service device communications addresses for the travelers and travel schedules in which the travelers participate; registering in the information-provision service device relevant information in connection with to-be-visited travel destinations in the travel schedule, as well as broadcasting prerequisites for broadcasting the relevant information (see col. 22 lines 15-29, col. 23 line 40 to col. 24 line 41); and matching at a predetermined time interval, the broadcasting prerequisites for the relevant information with the travel schedules, extracting travelers who meet the broadcasting prerequisites, and broadcasting the relevant information to the extracted travelers' communications addresses according to a travel progress of the extracted travelers determined from travel ticket usage information or replacement ticket information (see 23 line 40 to col. 24 line 44).

Regarding claims 3-6, 8-10, Grossman teaches storing communications addresses for the travelers, travel plans in which the travelers participate, and travel-plan schedules; wherein said communication address are changed according to the travel-plan schedules; providing travel-plan schedules to third parties other than the travel service providers or the travelers; accepting from the third parties relevant information in connection with to-be-visited travel destinations in the travel plan, as well as broadcasting prerequisites for broadcasting the relevant information; extracting based on the foregoing stored information travelers who meet the broadcasting prerequisites and/or travelers anticipated to meet the broadcasting prerequisites; and broadcasting at predetermined times said relevant information to the communications addresses for the

extracted travelers, the predetermined times being determined from travel progress information based on travel ticket usage information or replacement ticket information (see col. 22 line 15 to col. 24 line 44).

Regarding claim 11, Grossman teaches correlatively storing communications addresses for the travelers, travel plans in which the travelers participate, and travel-plan schedules; providing the travel-plan schedules to third parties; accepting from third parties advertisement designations for travelers participating in the travel plans; broadcasting at predetermined times which are correlated with the travel-plan schedules, the advertisements to communications addresses for the travelers participating in the travel plans wherein the predetermined times are adjusted based on travel progress determined from travel ticket usage or replacement ticket information (see col. 22 line 15 to col. 24 line 44).

Claim Rejections - 35 USC § 103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al. (US 6,181,935).

Regarding claim 7, Grossman does not explicitly teach the third parties are billed according to broadcast count or/and amount of data broadcast. Official notice is taken that is old and well known to charge third parties for displaying their product/service information. It would have been obvious for one of ordinary skill in the art at the time of the invention to know that the service provider of Grossman would charge or bill the third parties for allowing them to display their product/service information.

Claim Rejections - 35 USC § 103

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al. (US 6,181,935) in view of Sehr (US 6,085,976).

Regarding claim 1, Grossman teaches storing user itinerary; consulting said itinerary at a predetermined time interval to determine dates and times and/or places as indicated by the itinerary; automatically broadcasting to an information terminal for a given person pre-registered advertising information or reference information in connection with the dates and times and/or places appropriate to the an itinerary (see col. 22 lines 6-19, col. 24 lines 17-33); Grossman does not explicitly teach *adjusting said given person's itinerary* according to a travel progress determined from a travel schedule which is updated using travel progress information which includes at least one of travel ticket usage information or replacement ticket information. Grossman teaches the system implemented for airlines and Airports for sending message directly to the subscriber regarding his/her specific flight and travel status etc., (see col. 22 lines 15-29, col. 23 lines 38-67). Sehr teaches collecting ticket data (usage data) and transferring the data to a central computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Sehr's card or ticket station in Grossman's travel information system to collect the ticket usage data as in Sehr and use the data to update the user information.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stiles et al. (US 6,842,737).

Regarding claim 12, a process for providing to user terminals or travel agency terminals a screen for inputting information in connection with travel reservations and/or information in connection with receiving conditions for advertisement information; a process for correlatively

storing in a storage device users, travel schedules, and advertisement receiving conditions, based on reservation information sent from user terminals or travel agency terminals (see col. 16 lines 46-67); a process for providing to the advertiser terminals a screen for inputting advertising data broadcast to travelers and broadcasting prerequisites; a process for storing in a storage device advertising data broadcast to travelers and broadcasting prerequisites, sent from advertiser terminals (see col. 13 lines 36-47, col. 12 lines 11-64, col. 16 lines 11-39); a process for comparing travelers' receiving conditions with advertisement broadcasting prerequisites and specifying matching travelers; and sending advertising data to the specified travelers at predetermined time intervals, in accordance with the travel schedules, wherein the travel schedules are updated using travel ticket usage information or replacement ticket information. Stiles does not explicitly teach wherein the travel schedule is updated using travel ticket usage information or replacement ticket information. Official notice is taken that is old and well known in the art of travel agent travel to update user itinerary based on replacement ticket information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the updated information in Stiles's itinerary if the user canceled or changed his/her flight schedule.

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Schr, Applicant asserts that the Applicants have previously argued that Schr teaches collecting "demographics information" (see col. 11, lines 28-29 of Schr) which is not

related to a "given person" as is the case in claim 1. *Applicant argues that **Sehr does not teach or suggest tracking travel progress based on ticket usage information** and in order to monitor the travel progress, it is necessary to store an individual initial itinerary which may be updated according to travel progress prior to a certain travel segment linked to Sehr's service providers. Applicant also argues that **Sehr does not teach or suggest any travel update concerns focusing on the carrier (i.e. plane) availability and not on a traveler itinerary.***

Examiner would like to point out that the claim does not suggest tracking travel progress based on ticket usage information. Applicant's specification also does not teach or suggest tracking travel progress based on ticket usage information.

Regarding the ticket-reading device Applicant's specification teaches as follows.

The ticket-reading device also sends use notification to the travel agent terminal (for identifying tickets that have been used). The travel agent terminals searches the schedule DB 11 for a travel plan according to which the ticket should be used, identifies the traveler and updates the ticket status to "used" (see page 28). Sehr also teaches a travel center, service provider and a card station (see fig. 1 and 2). Sehr teaches altering including updating cardholder data and travel-related information previously stored in the passenger card and coupling the card to a remote database.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

/Yehdega Retta/

Primary Examiner, Art Unit 3622